

REMARKS

Claims 16-24 remain in this application. Claims 1-15 were previously canceled, and new claims 25-27 are added. Reconsideration of the application is requested.

Claims 20, 22, and 24 are amended above in the manner suggested by the Examiner in the second paragraph on page 2 of the Office Action. It is respectfully submitted that all claims now in this application comply with the requirements of 35 U.S.C. § 112, second paragraph.

Independent claim 16 is rejected under 35 U.S.C. § 103(a), along with dependent claims 17-24, as unpatentable over the Nakane et al. and Cziptschirsch et al. documents, both of record. Reconsideration is requested.

The Nakane et al. headrest apparatus includes a rigid frame 4, identified by the Examiner as an “impact plate,” that hangs from a horizontal rod 21, that swings on that rod 21, and that is covered by a pad 5. The Nakane et al. frame 4, however, is not positioned on a side of the head support facing a vehicle passenger with a basically flat area assuring secure retention of a head of a vehicle passenger during an accident as claim 16 defines. The Cziptschirsch et al. head and neck rest arrangement includes a seat back inner frame crossmember 9, but does not include *any* impact plate, let alone an impact plate as claim 16 above requires. If the Nakane et al. headrest apparatus is modified as the Examiner proposes in lines 14-18 on page 2 of the Office Action, therefore, it would not meet the limitations of claim 16 above. Similarly, if the Cziptschirsch et al. arrangement is modified as the Examiner proposes from line

18 on page 2 to line 2 on page 3 of the Office Action, the limitations of claim 16 above would not be met.

It is respectfully submitted that claim 16 as it appears above is patentable for reasons discussed. The rest of the claims remaining in and added to this application are dependent claims and should be patentable as well.

This application should now be in allowable condition. If there are any questions regarding this Reply or the application in general, a telephone call to the undersigned would be appreciated since this should expedite the prosecution of the application for all concerned.

If necessary to effect a timely response, this paper should be considered as a petition for an extension of time sufficient to effect a timely response. Please charge any deficiency in fees or credit any overpayments to Deposit Account No. 05-1323 (Docket #095309.56078US).

Respectfully submitted,

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